

Sec. 118. Penalty. Any person violating any of the provisions of the two (2) preceding sections shall be deemed guilty of a misdemeanor and punished by a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00), or by imprisonment in the county jail not less than thirty (30) days nor more than six (6) months.

Approved April 4, 1924.

CHAPTER 15
CANVASS OF VOTES AT ELECTIONS
H. F. 26

AN ACT to amend, revise, and codify sections four hundred sixty-six (466) to four hundred sixty-eight (468), inclusive, four hundred seventy (470), four hundred seventy-one (471), four hundred seventy-three (473) to four hundred seventy-six (476), inclusive, four hundred seventy-nine (479) to four hundred eighty-one (481), inclusive, four hundred eighty-four (484), four hundred eighty-five (485), four hundred eighty-seven (487) to four hundred ninety (490), inclusive, and four hundred ninety-five (495) of the compiled code of Iowa, relating to the canvass of votes at elections.

Be It Enacted by the General Assembly of the State of Iowa:

That section four hundred sixty-six (466) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Canvass by judges. When the poll is closed, the judges shall forthwith, and without adjournment:

1. Publicly canvass the vote, and credit each candidate with the number of votes counted for him.
2. Ascertain the result of the vote.
3. Compare the poll lists and correct errors therein.
4. Cause each clerk to keep a tally list of the count.

Sec. 2. When judges declare election. The candidate receiving the highest number of votes, if for an office in that precinct alone, shall be declared elected, and the judges shall issue certificates accordingly.

That section four hundred sixty-seven (467) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 3. Double or defective ballots. If two (2) or more marked ballots are so folded together as to appear to be cast as one (1), the judges shall indorse thereon "Rejected as double." Such ballots shall not be counted, but shall be folded together and kept as hereinafter directed. Every ballot not counted shall be indorsed "Defective" on the back thereof.

Sec. 4. Ballots objected to. Every ballot objected to by a judge or challenger, but counted, shall be indorsed on the back thereof "Objected to", and there shall also be indorsed thereon, and signed by the judges, a statement as to how it was counted.

Sec. 5. Disputed ballots returned separately. All ballots indorsed as required by the two (2) preceding sections shall be inclosed and securely sealed in an envelope, on which the judges shall indorse "Disputed ballots", with a signed statement of the precinct in which, and date of the election at which, they were cast.

That section four hundred sixty-eight (468) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 6. Ballots in excess of poll list. If the ballots for any officer exceed the number of the voters in the poll lists, such fact shall be certified, with the number of the excess, in the return,

Sec. 7. Effect of error on county office - township office. If, in case of such excess, the vote of the precinct where the error occurred would change the result as to a county officer if the person appearing to be elected were deprived of so many votes, then the election shall be set aside as to him in that precinct, and a new election ordered therein; but no person residing in another precinct at the time of the general election shall be allowed to vote at such special election.

If the error occurs in relation to a township officer, the trustees may order a new election or not, in their discretion.

Sec. 8. Effect of error on state office - tie vote. If the error be in relation to a district or state officer, it shall be certified with the number of the excess to the state canvassers. If the error affects the result of the election, the canvass shall be suspended and a new vote ordered in the precinct where the error occurred. When there is a tie vote due to such excess, there shall be a new election. No person residing in another precinct at the time of the general election shall be allowed to vote at such special election. When the new vote is taken and returned, the canvass shall be completed.

That section four hundred seventy (470) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 9. Proclamation of result. When the canvass is completed one (1) of the judges shall publicly announce the total number of votes received by each of the persons voted for, the office for which he is designated, as announced by the clerks, and the number of votes for, and the number of votes against, any proposition which shall have been submitted to a vote of the people.

Sec. 10. Return and preservation of ballots. Immediately after making such proclamation, and before separating, the judges shall fold in two (2) folds, and string closely upon a single piece of flexible wire, all ballots which have been counted by them, except those indorsed "Rejected as double", "Defective", or "Objected to", unite the ends of such wire in a firm knot, seal the knot in such a manner that it cannot be untied without breaking the seal, inclose the ballots so strung in an envelope, and securely seal such envelope. The judges shall at once return all the ballots to the officer from whom they were received, who shall carefully preserve them for six (6) months.

That section four hundred seventy-one (471) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 11. Destruction of general election ballots. If at the expiration of six (6) months no contest is pending, the officer having the ballots in custody, without opening the package in which they have been inclosed, shall destroy the same by burning, in the presence of two (2) electors, one (1) from each of the two (2) leading political parties, who shall be designated by the chairman of the board of supervisors, or, in municipal elections, by the mayor of the city or town.

Sec. 12. Destruction of primary election ballots. The ballots cast at a primary election, with the nomination papers, shall, where no contest is pending, be destroyed ten (10) days prior to the holding of the general election following the primary election at which said ballots were cast.

Sec. 13. Destruction in abeyance pending contest. If a contest is pending, the ballots shall be kept until the contest is finally determined, and then so destroyed.

That section four hundred seventy-three (473) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 14. Return of poll book and registration book. In each precinct, one (1) of the poll books containing the aforesaid signed and attested return, and one (1) of the registration books, if any, shall be delivered by one (1) of the judges within two (2) days to the county auditor.

Sec. 15. Return of remaining poll and registration book. The other of said poll books and the other registration book, if any, shall be forthwith delivered by one (1) of the judges to the township, city or town clerk, depending on whether the precinct is a township, city or town precinct.

Sec. 16. Preservation of books. The receiving officer shall file said books, and the registry books and lists and other papers pertaining to registration, in his office, and preserve the same for three (3) years and until the determination of any contest then pending, after which they shall be destroyed.

That section four hundred seventy-four (474) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 17. Canvass of returns for city, town, and township officers. If there are two (2) or more precincts in any township, city or ward, the trustees and clerk, or the mayor and clerk, as the case may be, shall, on the day after the election, meet and canvass the returns from all precincts for votes cast for officers to be elected by such township, city or ward.

Sec. 18. Abstracts and certificates for precinct officers. The returns shall be opened in the presence of all the canvassers, and an abstract of votes made and signed by them, and the result declared, and a certificate of election signed by them giving the candidates elected. If the mayor shall have been a candidate at such election, a justice of the peace of the county, selected by the clerk, shall act with him in making the canvass.

That section four hundred seventy-five (475) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 19. Notice to candidate of his election. Notice of the result of the election of the township, city and town officers shall be given by the township, city or town clerk, as the case may be, within five (5) days thereafter by mailing notice to each person who has been declared elected, which notice shall specify the office to which such person has been elected and requiring him to appear before the proper officer and qualify according to law.

That section four hundred seventy-six (476) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 20. Messengers for missing returns. The county auditor shall, on the fourth day following an election, send messengers for all returns not then received by him. The expense of securing such returns shall be paid by the county.

That sections four hundred seventy-nine (479), four hundred eighty (480), four hundred eighty-one (481), and four hundred eighty-four (484) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 21. Duplicate abstracts. All abstracts of votes, except the abstracts of votes for county officers, shall be made in duplicate, and signed by the board of county canvassers. One of said abstracts shall be forwarded to the secretary of state, and the other filed by the county auditor.

Sec. 22. Declaration of election. Each abstract of the votes for such officers as the county alone elects, except district judges, and senators and representatives in the general assembly, shall contain a declaration of whom the canvassers determine to be elected.

That section four hundred eighty-five (485) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 23. Abstracts forwarded to secretary of state. The auditor shall, within ten (10) days after the election, forward to the secretary of state, in separate, securely sealed envelopes, one of the said duplicate abstracts of votes for each of the following offices:

1. President and vice president of the United States.
2. Governor and lieutenant governor.
3. United States senator.
4. Representative in congress.
5. Supreme and district judges.
6. Senators and representatives in the general assembly for the county alone.
7. Senators in the general assembly in districts comprising more than one county.
8. All state officers not otherwise specified above.

Sec. 24. Abstract for governor and lieutenant governor. The envelopes containing the abstracts of votes for governor and lieutenant governor shall be indorsed substantially as follows: "Abstracts of votes for governor and lieutenant governor from _____ county," (naming the county). After being so indorsed said envelope shall be addressed, "To the Speaker of the House of Representatives."

Sec. 25. Indorsement on other envelopes. Said remaining envelopes shall be indorsed substantially in the manner provided in the preceding section, with changes necessary to indicate the particular office, and each shall be addressed, "To the Secretary of State."

Sec. 26. Forwarding of envelopes. Said envelopes, including the one addressed to the speaker, after being prepared, sealed, and indorsed as aforesaid, shall be placed in one package and forwarded to the secretary of state.

That sections four hundred eighty-seven (487) to four hundred ninety (490), inclusive, of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 27. Envelopes containing abstracts on governor and lieutenant governor. The envelopes containing the abstracts of votes for governor and lieutenant governor shall not be opened by the secretary of state, but he shall securely preserve the same and deliver them to the speaker of the house of representatives at the time said abstracts are canvassed as provided by law.

Sec. 28. Envelopes containing other abstracts. All other envelopes containing abstracts of votes shall be kept by the secretary of state, unopened, until the time fixed by law for the canvass of such abstracts, and they shall then be opened only in the presence of the state board of canvassers

Sec. 29. State canvassing board. The executive council shall constitute a board of canvassers of all abstracts of votes required to be filed with the secretary of state, except for the offices of governor and lieutenant governor. No member of such board shall take part in canvassing the votes for an office for which he is a candidate.

Sec. 30. Time of state canvass. On the twentieth day after the day of election, the board of state canvassers shall open and canvass all of the returns. If they are not received from all the counties, it may adjourn, not exceeding twenty (20) days, for the purpose of obtaining them, and, when received, shall proceed with the canvass. The returns of votes cast for senators and representatives in the general assembly shall be canvassed at least twenty (20) days prior to the convening of the general assembly.

That section four hundred ninety-five (495) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 31. Senator or representative in congress. The certificate of the election of a senator or representative in congress shall be signed by the governor, with the seal of the state affixed, and be countersigned by the secretary of state.

Approved February 20, 1924.

CHAPTER 16
ABSENT VOTERS
S. F. 27

AN ACT to amend, revise, and codify chapter nine (9) of title four (4) of the compiled code of Iowa and of the supplement to said code, relating to the right of a voter to vote when disabled or when absent from the polls on election day, or when engaged in the service of the government of the United States, or of this state.

Be It Enacted by the General Assembly of the State of Iowa

That chapter nine (9) of title four (4) of the compiled Code of Iowa and of the supplement to said Code is amended, revised, and codified to read as follows:

Section 1. Absent voter--right to vote--conditions. Any qualified voter of this state may, as provided in this chapter, vote at any general, municipal, special, or primary election, or at any election held in any independent town, city, or consolidated school district.

1. When, through the nature of his business he is, on election day, absent from the county in which he is a qualified voter, or, when he expects, in the course of said business, to be so absent.

2. When, through illness or physical disability, he is prevented from personally going to the polls on election day and voting.

Sec. 2. Application for ballot. Any voter, under the circumstances specified in the preceding section, may, on any day not Sunday or a holiday, and not more than twenty (20) days prior to the date of election, make application to the county auditor, or to the city or town clerk, as the case may be, for an official ballot to be voted at such election.

Sec. 2-a1. Secretary of school board. In the application of this chapter to elections held in independent city, town, and consolidated school districts, the secretary of the school board shall perform the duty herein imposed on the county auditor or clerk of the city or town.